



AF/2187
Ifw

PTO/SB/21 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	08/935,844-Conf. #9098
		Filing Date	September 23, 1997
		First Named Inventor	Robert Wilson
		Art Unit	2187
		Examiner Name	M. K. N. McLean-Mayo
Total Number of Pages in This Submission	6	Attorney Docket Number	E0295.70021US00

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Response to Notice of Non-Compliant Appeal Brief
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	Return Receipt Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	WOLF, GREENFIELD & SACKS, P.C.		
Signature	<i>Melissa Beede</i>		
Printed name	Melissa A. Beede		
Date	June 11, 2007	Reg. No.	54,986

Certificate of Mailing Under 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: June 11, 2007

Signature: *Sheila Gravina*

(Sheila Gravina)



ATTORNEY'S DOCKET NO: E0295.70021US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wilson et al.
Serial No: 08/935,844
Filed: September 23, 1997
For: METHOD AND APPARATUS FOR IMPLEMENTING A REMOTE
MIRRORING DATA FACILITY
Confirmation No.: 9098
Examiner: K. McLean-Mayo
Art Unit: 2187

Certificate of Mailing Under 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: June 11, 2007


Sheila Gravina

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

A Notification of Non-Compliant Appeal Brief was mailed in connection with this application on May 11, 2007 and alleged that the brief failed to comply with the requirements of 37 C.F.R. 41.37(c)(1)(v) relating to providing a concise explanation of the subject matter defined in each of the independent claims on Appeal. This is the sole basis on which the Appeal Brief was alleged to be defective. MPEP §1205.03 indicates that when the sole alleged defect is due to the failure to provide a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v), an entire new brief need not and should not be filed, but rather a paper providing a summary as required will suffice.

Therefore, the following "Summary of Claimed Subject Matter" is being submitted in response to the Notification of Non-Compliant Appeal Brief, and provides a summary as required by 37 CFR 41.37(c)(1)(v).

SUMMARY OF CLAIMED SUBJECT MATTER**A) Independent Claim 1**

Claim 1 is directed to a computer system that includes, *inter alia*, a CPU 1, first and second storage systems 5, 3, 7, 9, a mirroring controller 19 that mirrors at least some of the information written from the CPU 1 to the first storage system 5, 3 to the second storage system 7, 9, and at least one communication link including a network cloud 15 that extends between the first and second storage systems (Fig. 2; page 4, lines 9-17; page 8, lines 1-5; page 9, lines 8-11; page 10, lines 1-3).

B) Independent Claim 22

Claim 22 is directed to a computer system that includes first and second storage systems 5, 3, 7, 9, a mirroring controller 19, and at least one communication link 33 extending between the first and second storage systems and including at least one wireless connection (Fig. 5; page 4, lines 18-24; page 8, lines 1-5; page 9, lines 8-11; page 10, lines 1-3; page 15, lines 1-8).

C) Independent Claim 31

Claim 31 is directed to a computer system including first, second and third storage systems, a mirroring controller 19, a second communication link that extends between the first and second storage systems 5, 3, 7, 9 and a third communication link that extends between the first and third storage systems, wherein the second and third communication links each comprises a network cloud 15 (Fig. 2; page 4, line 25 – page 5, line 1; page 8, lines 1-5; page 9, lines 8-11; page 10, lines 1-3; page 14, lines 14-17).

D) Independent Claim 37

Claim 37 is directed to a method of operating a computer system that includes first, second and third storage systems, a second communication link extending between the first and

second storage systems 5, 3, 7, 9, and a third communication link extending between the first and third storage systems, wherein each of the first and second communication links is formed through a network cloud 15 (Fig. 2; page 5, lines 2-10; page 8, lines 1-5; page 9, lines 8-11; page 10, lines 1-3; page 14, lines 14-17). The method includes a step of, in response to information being written to the first storage system 5, 3, mirroring at least some of the information in both the second storage system 7, 9 and third storage system by transferring the information through the network cloud 15 (page 5, lines 2-10; page 14, lines 14-17; page 15, line 28 – page 16, line 12).

E) Independent Claim 39

Claim 39 is directed to a method of mirroring information in a computer system including first and second storage systems 5, 3, 7, 9 and at least one communication link that extends therebetween and includes a network cloud 15 (Fig. 2; page 5, lines 11-21). The method comprises a step of, in response to information being written from a CPU 1 to the first storage system 5, 3, transmitting at least some of the information into the network cloud from the first storage system with the second storage system 7, 9 designated as a destination (page 5, lines 11-21; page 15, line 28 – page 16, line 12).

F) Independent Claim 47

Claim 47 is directed to a computer system capable of mirroring information in a remotely disposed target storage system 7, 9 coupled to the computer system via at least one communication link that includes a network cloud 15 (Fig. 2; page 5, lines 22-29; page 8, lines 1-5). The computer system includes, *inter alia*, a source storage system 5, 3 and a controller 19, responsive to information written from the CPU 1 to the source storage system, to transfer at least some of the information into the network cloud 15 so that it can be mirrored in the target storage system 7, 9 (page 5, lines 22-29; page 15, line 28 – page 16, line 12).

G) Independent Claim 53

Claim 53 is directed to a computer system capable of mirroring information in a remotely disposed target storage system 7, 9 that is coupled to the computer system via at least one communication link 33 that includes at least one wireless connection (Fig. 5; page 5, line 30 – page 6, line 7; page 8, lines 1-5; page 15, lines 1-8). The computer system comprises a CPU 1, a source storage system 5, 3 to be coupled to the at least one communication link 15 so that the at least one communication link extends between the source and target storage systems, and a controller 19, responsive to information being written from the CPU to the source storage system, to transfer at least some of that information into the at least one communication link so that it can be mirrored in the target storage system 7, 9 (page 5, line 30 – page 6, line 7; page 9, lines 8-11; page 10, lines 1-3; page 15, line 28 – page 16, line 12).

H) Independent Claim 56

Claim 56 is directed to a computer system that includes, *inter alia*, first and second storage systems 3, 5, 7, 9, a mirroring controller 19, and at least one communication link 15 that extends between the first and second storage systems and is selected from the group consisting of an intranet and the Internet (Fig. 2; page 6, lines 8-16; page 8, lines 1-30).

I) Independent Claim 59

Claim 59 is directed to a computer system comprising first and second storage systems 3, 5, 7, 9, a mirroring controller 19, and at least one communication link 15 extending between the first and second storage systems, the at least one communication link being 15 selected from the group consisting of a packet switched network and a cell switched network (Fig. 2; page 6, lines 17-24; page 8, lines 1-2; page 10, lines 12-25; page 13, line 30 – page 14, line 3).

J) Independent Claim 62

Claim 62 is directed to a computer system that employs first and second storage systems 3, 5, 7, 9 and at least one communication link extending therebetween (Fig. 2; page 6, line 25 – page 7, line 2; page 8, lines 1-2). The at least one communication link includes a network cloud 15 and a plurality of communication paths into the network cloud, so that information can be transferred in parallel through the network cloud (Fig. 2; page 11, lines 3-15).

K) Independent Claim 65

Claim 65 is directed to a method of mirroring information in a computer system that employs first and second storage systems 3, 5, 7, 9 and at least one communication link extending therebetween (Fig. 2; page 8, lines 1-2). The at least one communication link includes a network cloud 15 and a plurality of communication paths into the network cloud, so that information can be transferred in parallel through the network cloud (Fig. 2; page 11, lines 3-15).

L) Independent Claim 66

Claim 66 is directed to a computer system that employs first and second storage systems 3, 5, 7, 9 and at least one communication link extending therebetween (Fig. 2; page 8, lines 1-2). The at least one communication link includes a network cloud 15 and a plurality of communication paths into the network cloud, so that information can be transferred in parallel through the network cloud (Fig. 2; page 11, lines 3-15).

Respectfully submitted,

By: Melissa Beede
Melissa A. Beede, Reg. No. 54,986
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, MA 02210
(617) 646-8000

Date: June 11, 2007